REMARKS

The application has been reviewed in light of the Final Office Action dated February 5, 2004. Claims 1-5 remain pending in the Application. However, as indicated above, Claims 1 and 5 have been amended.

In the Office Action, Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as anticipated *Jonsson et al.* (U.S. 6,385,585), Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Jonsson* in view of *Makela et al.* (U.S. 6,301,338), and Claims 4-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Jonsson* in view of *Svensson* (U.S. 6,301,338).

As indicated above, independent Claims 1 and 5 have been amended to recite that the transmitted character message *includes non-converted character data.* The prior art description of Figs. 5A and 5B in cols. 9 and 10 of *Jonsson* makes it clear that such a short message and/or alert message would first be transformed to a formant frequency before being transmitted over the voice band. (See, col. 9, lines 29-34, and 62-67) The subsequent description of Fig. 6 (at col. 11, lines 4-16) also makes clear that symbols are first converted to formant frequencies before transmission over the voice band.

It is respectfully submitted that *Jonsson* relates to an apparatus for converting a digital symbol into a formant frequency and transmitting the formant frequency via a voice channel. Because the formant signals as disclosed in *Jonsson* have the same frequency characteristics as actual human speech, such signals are easily converted by a standard voice coder (found in conventional transceivers) for transmission to a receiver. Therefore, in *Jonsson*, utilizing said feature, the digital symbols are converted into a formant frequency identical with a frequency identical to a frequency of human speech, which is supplied to a voice coder so as to be output by means of the voice coder. Finally, the output is transmitted to a receiver via the voice channel, together with a voice signal.

In summary, according to *Jonsson*, because a voice signal and data signal are output via one voice coder, a microphone for voice communication is cut off upon input of data through a keypad for transmission of the data signal.

However, the present invention, more specifically Claims 1 and 5, relate to transmitting and receiving a character message in mobile communication terminals during a conversation by telephone, wherein the character message is set in a general character message format and is transmitted *without converting the character data* via a speech path or channel for a conversation by telephone. Therefore, according to the present invention, unlike *Jonsson*, a voice coder is not necessary for transmitting a character message, and therefore, a conversion into a formant frequency is also unnecessary. Further, in the present invention, because a character message is not transmitted via the voice coder, a microphone for voice communication by telephone is always functioning even while inputting data through a keypad or during identifying the content of the received character message.

Accordingly, it is respectfully submitted that *Jonsson* fails to teach or suggest all of the recitations of independent Claim 1. Thus, for at least the reasons given above, it is respectfully requested that the Examiner withdraw the rejection of Claim 1, and it is respectfully submitted that independent Claim 1 is in condition for allowance.

As indicated above, independent Claim 5 was rejected under 35 U.S.C. 103(a) based on the combination of *Jonsson* and *Svensson*. However, analogous to independent Claim 1, it is respectfully submitted that *Jonsson* does not show "receiving a character message <u>including non-converted character data</u> from the mobile communication terminal of the other party via the speech path", as recited in Claim 5. In addition, it is respectfully submitted that *Svensson* is also silent on this recitation of independent Claim 5.

Accordingly, without conceding that the combination of *Jonsson* and *Svensson* is proper, for at least this reason, it is respectfully submitted that the combination of *Jonsson* and *Svensson* fails to describe all of the recitations of Claim 5. Thus, it is respectfully submitted that *Jonsson*

and *Svensson* fail to render Claim 5 obvious for at least this reason. Reconsideration and allowance of Claim 5 is also respectfully requested.

Without conceding the patentability per se of dependent Claims 2-4, it is submitted that Claims 2-4 are allowable at least by virtue of their dependencies on independent Claim 1. Reconsideration and allowance of Claims 2-4 is also respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-5, are in condition for allowance. Early and favorable consideration and allowance of Claims 1-5 is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to phone applicant's attorney at the number indicated below.

Respectfully submitted,

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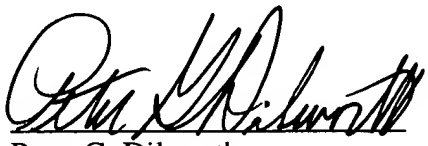
By: 

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